



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, JR., Speaker of the House

Vol. 29

March 13, 2012

No. 9

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	04
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	10

NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.4451**, a bill **PROHIBITING TEXTING WHILE DRIVING**. The legislation provides that a person may not use an electronic communication device, such as a wireless telephone, personal digital assistant, text messaging device, or a portable computer, to compose, send, or read an electronic message, such as a text message, electronic mail, instant message, or a command to access an Internet site, while operating a motor vehicle on a roadway. The use of a global positioning system, navigation system or other device that is physically or electronically integrated into the motor vehicle is not a violation. The prohibition does not apply to a person operating a vehicle while: (1) off the traveled portion of the roadway; (2) using an electronic communication device in hands-free, voice-activated, or voice-operated mode; (3) activating or deactivating an electronic communications device or an internal feature or function of the device not associated with electronic messaging; (4) summoning medical or other emergency assistance; (5) an operator of a commercial motor vehicle reading a message displayed on a permanently installed communications device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide inside; (6) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties; or (7) the vehicle is stopped, parked, or not in motion. A person who violates the prohibition is guilty of a misdemeanor that carries a fine of up to one hundred fifty dollars. A conviction for a violation may not be reported to the offender's motor vehicle insurer nor may it be included in the offender's motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by the State Law Enforcement Division. A violation is not negligence per se or contributory negligence, and is not admissible as evidence in a civil action. The legislation provides that a law enforcement officer may stop a driver for a violation only when he has probable cause that a violation has occurred based on his clear and unobstructed view of a driver or an occupant of the motor vehicle who is committing a violation. The legislation precludes law enforcement officers from searching a vehicle, driver, or occupant in a vehicle solely because of a violation of this prohibition and provides that information contained or stored in an electronic communications device is not subject to a search by a law enforcement officer without a search warrant. The legislation preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using hand-held and hands-free wireless electronic communication devices while operating motor vehicles on the public streets and highways of this state.

The House amended, approved, and sent to the Senate **H.4721**, the "**BUSINESS FREEDOM TO CHOOSE ACT**". The legislation provides that any prior, existing, or future county ordinance that restricts or prohibits disposal of waste at any permitted solid waste management facility, regardless of location, or impedes the development or implementation of a public or private recycling program, regardless of location, is considered inconsistent with the provisions of the South Carolina Solid Waste Policy and Management Act. The legislation provides that a local government must not be held liable for any costs or damages resulting from operation of a privately owned or operated solid waste management facility solely on the basis that solid waste managed at the facility was generated within the jurisdiction of the local government. The legislation also provides that a solid waste management facility owned and operated by a local

government or local governmental entity must not be required to accept solid waste generated outside the local government's jurisdiction unless the governing body of the local government approves the acceptance of this waste by a two-thirds vote of its elected members.

The House approved and sent to the Senate **H.4710**, a joint resolution to suspend the statutory requirement that **ALTERATIONS TO STATE AID TO POLITICAL SUBDIVISIONS** must be approved in separate legislation. Suspension of the requirement allows the general appropriation bill's funding proposals for the Local Government Fund to depart from the statutory requirement of distributing 4.5 percent of the previous year's state general fund amount to the counties and municipalities. The legislation also affords temporary financial flexibility by authorizing counties to transfer among appropriated state revenues as needed to ensure the delivery of services for the 2012-2013 fiscal year.

The House approved **S.1196** and enrolled the bill for ratification. The legislation officially designates the month of February of every year as **AFRICAN AMERICAN HISTORY MONTH** in South Carolina to emphasize the contributions of African Americans to the growth, development, culture, and institutions of the country.

The House concurred in Senate amendments to **H.3393** and enrolled the bill for ratification. The legislation revises provisions specifying **PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION**, so as to further provide for those persons who, in order of priority, may authorize cremation.

The House concurred in Senate amendments to **H.3711**, a bill relating to an **EXEMPTION FROM MOTOR CLUB SERVICES ACT REQUIREMENTS** for in-vehicle security navigational, communications, and remote diagnostics services, and enrolled the bill for ratification. This bill provides that an entity that enters into a service contract with a club licensed under the Motor Club Services Act for the provision of emergency road service and towing service to its customers is not, itself, considered to be a motor club subject to the requirements of the Motor Club Services Act.

The House approved and sent to the Senate **H.4517**, a bill that provides for the international symbol of access wheelchair logo to be included on the **WORLD WAR II SPECIAL LICENSE PLATE** for individuals who qualify to be issued this license plate and a handicapped parking placard.

The House approved and sent to the Senate **H.4582**, a bill authorizing the Department of Motor Vehicles to issue **DEALER LICENSE PLATES FOR THE UNITED SERVICE ORGANIZATION SOUTH CAROLINA AND THE AMERICAN RED CROSS**.

The House amended, approved, and sent to the Senate **H.4801**. This bill revises the qualifications of persons who may be appointed to the governing board of the **PIONEER RURAL WATER DISTRICT** of Oconee and Anderson Counties and the manner of their appointment. The legislation also provides that the district must not contract for or undertake the construction of any new freshwater treatment facilities until January 31, 2016.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, March 6, and reported out three bills.

H.4582 received a favorable report. This legislation authorizes the Department of Motor Vehicles to issue **DEALER LICENSE PLATES FOR THE UNITED SERVICE ORGANIZATION SOUTH CAROLINA AND THE AMERICAN RED CROSS**.

The full committee gave a favorable with amendment recommendation to **S.710**, which allows for **VETERAN STATUS DESIGNATION ON THE FRONT OF DRIVER'S LICENSES AND SPECIAL IDENTIFICATION CARDS**. Upon an individual's request, proof of eligibility and payment of a one dollar fee, this legislation allows the Department of Motor Vehicles to include a veteran status designation on the front of a driver's license or special identification card.

H.4517 received a favorable recommendation. This legislation requires the **WORLD WAR II SPECIAL LICENSE PLATES** to include the international symbol of access for persons who qualify to be issued this license plate and a handicapped parking placard.

JUDICIARY

The full Judiciary Committee met on Tuesday, March 6, and gave consideration to several bills.

H.4675, relating to **PROHIBITED GAMBLING DEVICES**, received a favorable report. This legislation clarifies that certain gambling devices prohibited by Section 12-21-2710 are still prohibited even if a person holds a bingo license. Also, the legislation clarifies that these gambling devices are still prohibited in game promotions allowed by holders of permits authorizing the sale of beer or wine.

The full committee gave a favorable with amendment recommendation to **H.4672**, a **PROPOSED AMENDMENT TO THE STATE CONSTITUTION RELATING TO THE ELIGIBILITY TO HOLD A POPULARLY ELECTED OFFICE IN THIS STATE**. This legislation proposes to amend the State Constitution relating to the eligibility to hold a popularly elected office in this state, specifically so as to eliminate the exception that allows a person to hold elective office if it has been fifteen or more years after the completion date of the person's sentence, including probation and parole time. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.4008, pertaining to **HOSPITALS**, received a favorable with amendment report. This legislation provides that there is no monetary liability, and no cause of action for damages arising against, a hospital and certain entities and individuals linked to the hospital for undertaking or performing certain acts without malice. In addition, the act

must have taken place after a reasonable effort to obtain the facts and a belief that the act was warranted by the facts. The act or proceeding must relate to: sentinel event investigations or root cause analyses prescribed by the Joint Commission or an appropriately accredited organization; investigation of medical staff member competence or conduct, disciplinary actions/proceedings or fair hearings; quality assurance reviews; medical staff credentialing process; reports to insurance carrier; quality of care reviews/investigations, or certain quality of care reports/statements. The legislation also includes provisions about the confidentiality of various proceedings, data, documents and records and information.

The Judiciary Committee gave a favorable with amendment report to **H.4680**. Relating to **REDUCTION OF A SENTENCE WHEN A DEFENDANT PROVIDES SUBSTANTIAL ASSISTANCE TO THE STATE**, this legislation deletes the requirement that the assistance be provided after sentencing and clarifies that a defendant's sentence may be reduced below the minimum term of imprisonment provided by law under certain circumstances. Reduction of the sentence below the minimum term of imprisonment provided by law is in the court's discretion. A motion made pursuant to these provisions must be filed by the Attorney General or the circuit solicitor in the county where the defendant's case arose.

H.3130, legislation **PROHIBITING MINORS FROM SEXTING**, received a favorable with amendment recommendation. This legislation provides that it is unlawful for a child who is less than seventeen years of age to use a telecommunications device to knowingly transmit or distribute to another person a photograph or text message with a photograph attachment depicting a person who is less than eighteen years of age in a state of sexual activity or a state of sexually explicit nudity. A child adjudicated delinquent for this offense may only be sentenced to a maximum \$100 fine. A child who violates these provisions shall not be taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation or for failure to pay a fine. A child less than seventeen years of age who violates these provisions, or who receives or possesses a photograph transmitted by a telecommunications device or text message with a photograph attachment depicting a person who is less than eighteen years of age in a state of sexual activity or sexually explicit nudity shall not be prosecuted under certain criminal provisions unless, upon motion by the solicitor, the family court determines in its discretion to be in the interest of justice for the child to be prosecuted. A child less than seventeen years of age does not knowingly transmit or distribute the material by reporting the matter to a law enforcement agency, teacher, principal, or parent or by affording a law enforcement agency, teacher, principal, or parent access to the image.

H.4603 received a favorable with amendment report from the Judiciary Committee. Current law prohibits an offender from participating more than once in a **SOLICITOR'S PRETRIAL INTERVENTION PROGRAM**. This legislation provides that a solicitor, in his discretion, may consent to allow an offender to participate in a pretrial intervention program more than once. However, a person may not be considered for intervention if he has previously been accepted into a pretrial intervention program for a criminal domestic violence offense.

The Judiciary Committee gave a favorable recommendation to **H.4726**. This legislation relates to the powers of public service district and special purpose district commissions, including, among other things, the power to assess the cost of the **ESTABLISHMENT**

AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE. This legislation provides that if a residential subdivision received conceptual approval from the Department of Health and Environmental Control for septic tank use and subsequently five or more lots in the subdivision were denied permits by the department, an assessment may be levied on the abutting parcels in the subdivision for the actual costs of the sewer lateral collection lines, transmission lines, and associated infrastructure. It further provides that a letter or certificate of the department establishes these conditions authorizing the assessment.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on March 7 and reported out several bills.

The committee gave a report of favorable with amendments on **H.4786**, legislation offered as a means of **COMBATING UNEMPLOYMENT COMPENSATION FRAUD** more effectively. The legislation creates a Special Investigations Unit within the Department of Employment and Workforce that is charged with the responsibility of enforcing all laws relating to unemployment insurance fraud in conjunction with the Attorney General's Office. The unit is afforded statewide police powers and is authorized to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses in the course of its investigations. The legislation revises unemployment insurance fraud provisions for both employers and for those collecting jobless benefits by imposing a new range of criminal penalties for violations. More serious felony offenses are reserved for repeat violations and fraud that involves larger dollar amounts. Offenders are also required to make full restitution to the Department of Employment and Workforce for any economic advantages or benefits fraudulently obtained. In addition to these criminal penalties, the legislation includes enhanced civil penalties for unemployment insurance fraud that makes a violator subject to a fine of up to five thousand dollars for a first offense, a five thousand to ten thousand dollar fine for a second offense, and a ten thousand to fifteen thousand dollar fine for a third or subsequent offense. Revenue from these civil penalties must be used to provide funds for the costs of enforcing and administering unemployment insurance fraud provisions and the Omnibus Insurance Fraud and Reporting Immunity Act. The legislation also extends provisions governing payment of unemployment benefits to employees in certain educational settings so that they also apply to teachers employed by a private temporary employment agency that has a contractual relationship with an educational institution.

The committee gave a report of favorable with amendments on **H.4787**, the **"PORTABLE ELECTRONICS INSURANCE ACT"**. The legislation provides for the licensure and regulation of vendors of insurance covering the repair or replacement of portable electronic devices. The legislation provides requirements relating to the sale of portable electronics insurance, establishes disclosure requirements for vendors of such insurance to prospective consumers, provides licensure fees and surcharges, and establishes penalties for violations.

The committee gave a report of favorable with amendments on **H.4269**. This bill revises provisions relating to additional **CHARGES ASSOCIATED WITH CONSUMER LOANS**,

so as to include a five dollar charge for the cost incurred by a licensee for processing automated clearing house payments and for processing payments that consumers make through credit or debit cards.

The committee gave a report of favorable with amendments on **H.4763**, a bill revising **PRENEED FUNERAL CONTRACT** provisions. This bill establishes a biennial term for preneed funeral contract licensure and provides for a \$250 initial licensure fee and a \$200 fee for each license renewal application. The Department of Consumer Affairs is directed to use half of the renewal fee for administration and deposit \$100 dollars of each license renewal fee into the Preneed Loss Reimbursement Fund. The legislation eliminates the provision that sets the maximum amount of the Preneed Loss Reimbursement Fund at five hundred thousand dollars with a five percent adjustment compounded annually.

The committee gave a report of favorable with amendments on **H.4801**. This bill revises the qualifications of persons who may be appointed to the governing board of the **PIONEER RURAL WATER DISTRICT** of Oconee and Anderson Counties and the manner of their appointment. The legislation also provides that the district must not contract for or undertake the construction of any new freshwater treatment facilities until January 31, 2016.

WAYS AND MEANS

The Ways and Means Committee met on March 6 and reported out two bills.

The committee approved **H.4898** with amendments and voted to make the legislation a committee bill, **H.4967**. The legislation provides for comprehensive **RETIREMENT SYSTEMS REVISIONS** as a means of securing long term financial health for South Carolina's employee pension plans. The legislation revises eligibility criteria for the South Carolina Retirement System, which serves public school teachers and most state government employees, by requiring new employees to have at least thirty years of service in order to be eligible to retire at any age with full benefits. Current employees invested in the South Carolina Retirement System retain their twenty-eight year eligibility. The legislation increases the employee contribution rate by one percent for both the South Carolina Retirement System and the Police Officers Retirement System, corresponding to a one percent increase in the employer contribution rate recently approved by the Budget and Control Board. The employee contribution rate increase is to be phased in over the course of two years. The legislation eliminates the current provisions for awarding cost of living adjustments to retirees that tie COLAs to inflation, and, instead establishes benefit adjustment provisions that award an increase in retiree benefits, of up to 2.5%, in a year when criteria are met that show a satisfactory rate of return on pension system investments. The legislation revises the method of calculating average final compensation for determining pension benefits by requiring a computation that uses the employee's five highest years of compensation, rather than the current three highest years. The legislation eliminates the addition of unused sick leave in the calculation of creditable service and provides that unused annual leave may not be

added to the average final compensation. The legislation revises South Carolina Retirement System provisions so that overtime not mandated by the employer will no longer be considered earnable compensation, but these overtime revisions do not apply to the Police Officers Retirement System. The legislation discontinues the Teacher and Employee Retention Incentive (TERI) Program by closing the program to new employees. The legislation revises the General Assembly Retirement System by eliminating provisions that allow legislators to draw retirement benefits while continuing to serve in the General Assembly. The legislation provides that interest will not accrue on inactive pension accounts. The legislation provides for revisions that make the purchase of service credit actuarially neutral.

The committee gave a report of favorable with amendments on **H.4894**, a bill providing **TAX DEDUCTIONS AND TAX CREDITS FOR K-12 EDUCATION OPTIONS**. The legislation authorizes a yearly income tax deduction for parents or legal guardians who teach their children or wards at home in an amount of up to two thousand dollars per home school student for instruction-related expenditures. The legislation authorizes a yearly income tax deduction for parents or legal guardians of up to one thousand dollars paid on behalf of their child or ward to attend a public school outside the student's resident school district. The legislation authorizes a yearly income tax deduction for parents or legal guardians of up to four thousand dollars for tuition they pay for a child or ward to attend an independent school within this state.

H.4894 also provides tax credits for contributions to a nonprofit scholarship funding organization that awards grants to expand K-12 educational opportunities for children of families that have limited financial resources or exceptional needs. Grants may be awarded by the nonprofit scholarship funding organization in an amount not exceeding five thousand dollars per year or seventy-five percent of the cost of tuition, whichever is less, for children who are eligible for the federal free or reduced school lunch program or whose families meet the requirements for federal Medicaid benefits to attend an independent school in this state. Additionally, grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or seventy-five percent of the cost of tuition, whichever is less, for students with significant cognitive, mental, physical, or emotional disabilities to attend an independent school in this state. Maximum limits are placed upon yearly totals of scholarship contribution tax credits. The tax credit allowed for contributions to nonprofit scholarship funding organizations may be used against income taxes, insurance premium taxes, or bank license fees so long as the tax credit does not offset more than sixty percent of the taxpayer's liability for a particular year. In order to participate in the scholarship grant program, an independent school in the state, including those religious in nature, must meet eligibility criteria, such as: complying with the state's compulsory attendance requirements; not discriminating on the basis of race, color, or national origin; being a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association; and, having an educational curriculum that includes courses set forth in the state's diploma requirements and where the students attending are administered national achievement and/or state standardized tests at progressive grade levels to determine student progress. The Education Oversight Committee is charged with determining independent school eligibility. Each year the EOC must post on its website a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants, and a list of approved independent schools which it has determined to be in compliance that accept grants for eligible students. Each year the

EOC must also publish on its website student test scores, by category, on national achievement and/or state standardized tests for all grades tested administered by an eligible independent school receiving or entitled to receive scholarship grants. The legislation also provides that the state's public schools may offer the same tests as those the independent schools use for scholarship grant program eligibility purposes.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4962 *COMMERCIAL APPLICATOR OF PESTICIDES* Rep. Loftis

Under the Pesticide Control Act, this bill adds that a commercial applicator of pesticides is not required to be certified to purchase and apply any pesticide that is available to consumer at a retail establishment.

EDUCATION AND PUBLIC WORKS

H.4953 *OPENING DATE OF THE SCHOOL TERM* Rep. Norman

This legislation provides that a local school district board of trustees may advance the opening date of the school term for any school year by no more than one week to no earlier than the second Monday in August. The legislation further provides for the authority of the State Board of Education to waive the school opening date requirement.

JUDICIARY

S.126 *EQUAL RIGHTS AND DUTIES OF PARENTS REGARDING MINOR CHILDREN* Sen. Campsen

This legislation provides that each parent, whether the custodial or noncustodial parent of the child, has equal access and the same right to obtain all, counseling and therapy records, of their minor children unless prohibited by order of the court.

H.4968 *COCKFIGHTING* Rep. Long

This legislation increases the fines and penalties for cockfighting. Under the legislation, a person who engages in cockfighting or game fowl fighting is guilty of a: (1) misdemeanor and, upon conviction, must be fined not less than \$500 but not more than

\$1,000 or imprisoned not more than one year for a first offense; or (2) felony and, upon conviction, must be fined not less than \$1,000 but not more than \$3,000 or imprisoned not more than five years for a second or subsequent offense. The legislation creates a new offense of being present at a structure, facility, or location where cockfighting is taking place and provides criminal penalties. A minor who is under the age of eighteen who is present at a cockfighting or game fowl fighting structure, facility, or location may not be charged with a violation of these provisions if he is brought there by a parent, guardian, or other adult with responsibility over him.

H.4970 DRUG COURT PROGRAM ACT Rep. Bannister

This legislation directs each circuit solicitor to establish a drug court program for adults and juveniles. The legislation provides criteria for eligibility of persons charged with nonviolent offenses, and it allows each circuit solicitor to establish an Office of Drug Court Program Coordinator. The legislation directs the Commission on Prosecution Coordination to establish a State Office of Drug Court Coordination. The legislation provides fees for participation in a drug court program, and it provides for annual reports detailing the activities of drug court programs to the Commission on Prosecution Coordination with a copy provided to the Sentencing Reform Oversight Committee. The legislation further provides for the appointment of drug court judges by the Chief Justice and provides for their compensation.

H.4972 "SOUTH CAROLINA MONEY SERVICES OVERSIGHT AND ILLICIT FINANCE ABATEMENT ACT" Rep. Patrick

The stated intent of this legislation is to protect South Carolina citizens, businesses, and institutions by creating a department to regulate, oversee, and investigate money services businesses in South Carolina and to provide new tools to law enforcement and solicitors to combat the threat these unregulated institutions represent.

H.4973 MINIMUM RESIDENCY REQUIREMENTS FOR A CANDIDATE FOR A STATE OR LOCAL PUBLIC OFFICE THAT IS ELECTED FROM A SPECIFIC DISTRICT Rep. Bales

This legislation provides that a person may not file as a candidate for a state or local public office that is elected from a specific district unless he is an elector of the district and satisfies domicile criteria at least thirty days before the first day that candidates may file for that office.

H.4975 DNA TESTING AND EVIDENCE Rep. Tallon

Relating to offenses for which post-conviction DNA testing is available, this legislation limits the offenses for which a person may apply for forensic DNA testing to prove his innocence. Relating to applications for DNA testing and notification, this legislation requires notification of the application for DNA testing to be made by the applicant to certain law enforcement agencies. This legislation limits costs paid for by the State to applicants for DNA testing who are found by a court to be indigent. Relating to funding of post-conviction DNA testing, this legislation reduces the amount that may be expended from the general fund from \$150,000 to \$50,000. This legislation limits the offenses for which DNA evidence must be preserved and provides evidence need not be preserved after appeals are exhausted. Relating to wilful destruction or tampering with DNA evidence, this legislation adds the intentional destruction or tampering with DNA evidence to the purview of the statute.

LABOR, COMMERCE AND INDUSTRY

H.4955 REGULATION OF FUNERAL SERVICES AND EMBALMING Rep.

King

This bill requires a criminal background check for licensure to practice funeral services, and makes a criminal background check optional to the Department of Labor, Licensing and Regulation when conducting an investigation in connection with a disciplinary proceeding against a person licensed to conduct funeral services. The legislation requires positive identification of a body before the body may be cremated. The legislation revises penalties for violations by eliminating a criminal penalty and increasing the maximum fine. The legislation alter the examination requirements of an applicant for licensure as an embalmer or funeral director who holds a valid license from another state. The legislation revises the certification of an apprentice as an embalmer or funeral director, so as to alter the requirements for employment status and work reporting requirements, to require specific tasks to meet the mandatory case work requirements, and to require the presence of an apprentice by a preceptor on the premises where an apprentice is conducting an embalming or funeral service when he performs those services. The legislation increases the annual requirement of continuing education hours, requires maintenance of records of hours completed, and provides that the State Board of Funeral Service may randomly audit these records. The legislation revises permit requirements for funeral homes, so as to provide a crematory must maintain adequate refrigeration for the retention of bodies.

H.4961 NOTIFICATION AND CONSENT REQUIRED FOR USE OF AFTERMARKET EMISSIONS AND SAFETY PARTS IN MOTOR VEHICLE REPAIRS Rep. Sellers

This bill establishes provisions to require notice and consent for the use of aftermarket emissions and aftermarket safety parts in motor vehicle repairs.

H.4969 COURT ORDERED CHILD SUPPORT Rep. Hearn

This bill eliminates the need for social security numbers to be included in court orders requiring a parent to provide health coverage for a child and revises terminology in such orders. The legislation revises provisions relating to the Department of Social Services establishing a scale for suggested minimum contributions for child support payments from absent parents, eliminating the provision that the use of the child support scale is optional.

H.4974 DEALERS IN PRECIOUS METALS Rep. Tallon

This bill revises provisions concerning dealers in precious metals. The legislation provides that the requirement that a seller of precious metals provide certain positive identification bearing his photograph may be satisfied by certain identification issued by the state or the United States. The legislation modifies the term "purchase" and makes revisions regarding the mandatory period for which a dealer in precious metals must hold precious metals he purchases before he may sell them. The legislation increases penalties for the purchase of precious metals by a dealer with a revoked license.

H.4982 DISQUALIFICATIONS FOR UNEMPLOYMENT BENEFITS Rep. Sandifer

This bill revises provisions relating to disqualifications for unemployment benefits, so as to change the basis for disqualification for "cause connected with the employment" to

“misconduct connected to the employment”. The maximum period of this disqualification is reduced to twenty weeks. The legislation eliminates a requirement that this ineligibility period must be determined by the Department of Employment and Workforce in each case according to the seriousness of the cause for discharge, and to provide a finding of discharge for misconduct may not be made for discharge resulting from circumstances related to an extreme hardship, emergency, or other extraordinary circumstances.

WAYS AND MEANS

H.4954 LOCAL HOSPITALITY TAX EXPENDITURE REQUIREMENTS FOR AFRICAN-AMERICAN CULTURAL FACILITIES Rep. King

This bill provides that in any fiscal year where a local governing body expends revenue generated by the hospitality tax for tourism-related cultural, recreational, or historic facilities, at least twenty-five percent of those expenditures must be spent on African-American cultural facilities.

H.4957 AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE ANNUAL FEE Rep. Allison

This joint resolution provides that, in 2013 and 2014, the annual fee for the automobile manufacturer standard license plate for vehicles in the manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is seven hundred two dollars. The legislation provides that twenty dollars of each fee is credited to the General Fund of the state and the balance to local governments. In the case of employees participating in the benefit program who reside outside of this State, the entire fee must be credited to the General Fund of the state.

H.4971 SOUTH CAROLINA FOOD BANK FINANCING TRUST FUND Rep. Brady

This bill establishes the South Carolina Food Bank Financing Trust Fund to aid local South Carolina food banks. The legislation includes contributions to the South Carolina Food Bank Financing Trust Fund among the authorized voluntary contributions on an income tax return.

H.4985 OTHER FUNDS MUST BE DEPOSITED IN THE STATE GENERAL FUND Rep. Stavrinakis

This bill provides that all other funds collected by an agency must be deposited in the State General Fund and must be considered general funds.

H.4986 ONLINE HIGHER EDUCATION TUITION FEES Rep. Neilson

This bill provides that, beginning with the 2012 fall term, public institutions of higher learning must charge tuition fees for courses taught online at a per credit hour charge at least twenty-five percent below the per credit hour charge for the same or similar courses taught to students in a classroom by a professor or instructor who is physically present.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).